

SENATE BILL 635

M2

(11r2679)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environmental Matters* —

Introduced by ~~Senator Frosh~~ Senators Frosh and Simonaire

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Authorization to Catch Striped Bass and Crabs –**
3 **Revocation**

4 FOR the purpose of providing that a certain person who ~~receives a citation for~~ commits
5 a certain offense related to unlawfully taking striped bass or crabs may have a
6 certain authorization revoked under certain circumstances; requiring the
7 Department of Natural Resources, in consultation with the Tidal Fisheries
8 Advisory Commission and the Sport Fisheries Advisory Commission, to adopt
9 regulations that establish certain grounds for the revocation of a certain
10 authorization, including certain categories of ~~offenses~~ violations; requiring the
11 Department to hold a certain hearing under certain circumstances in
12 accordance with the Administrative Procedure Act; requiring the Department to
13 revoke a person's authorization to catch striped bass or crabs under certain
14 circumstances; authorizing certain aggrieved persons to obtain judicial review of
15 a certain decision; prohibiting a certain person from engaging or working in a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 certain fishery under certain circumstances; and generally relating to
2 unlawfully taking striped bass or crabs and authorization revocation.

3 BY adding to

4 Article – Natural Resources

5 Section 4–1210

6 Annotated Code of Maryland

7 (2005 Replacement Volume and 2010 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article – Natural Resources**

11 **4–1210.**

12 (A) (1) IN ADDITION TO ANY OTHER PENALTY OR FINE PROVIDED IN
13 THIS TITLE, A PERSON WHO IS AUTHORIZED TO CATCH STRIPED BASS OR CRABS
14 UNDER § 4–701 OF THIS TITLE AND WHO COMMITS AN OFFENSE ESTABLISHED
15 UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY HAVE THE AUTHORIZATION
16 TO CATCH STRIPED BASS OR CRABS REVOKED IN ACCORDANCE WITH THIS
17 SECTION.

18 (2) THE DEPARTMENT, IN CONSULTATION WITH THE TIDAL
19 FISHERIES ADVISORY COMMISSION AND THE SPORT FISHERIES ADVISORY
20 COMMISSION, SHALL ADOPT REGULATIONS THAT ESTABLISH GROUNDS FOR
21 THE REVOCATION OF AN AUTHORIZATION TO CATCH STRIPED BASS OR CRABS
22 UNDER § 4–701 OF THIS TITLE, WHICH SHALL INCLUDE ~~OFFENSES~~ EGREGIOUS
23 OR REPEAT VIOLATIONS IN THE FOLLOWING CATEGORIES:

24 (I) USING ILLEGAL GEAR;

25 (II) HARVESTING DURING CLOSED SEASONS;

26 (III) HARVESTING FROM A CLOSED AREA;

27 (IV) ~~EXCEEDING~~ VIOLATING ESTABLISHED HARVEST,
28 CATCH, OR SIZE LIMITS; AND

29 (V) VIOLATING TAGGING AND REPORTING REQUIREMENTS.

30 (B) (1) BEFORE THE REVOCATION OF AN AUTHORIZATION TO CATCH
31 STRIPED BASS OR CRABS UNDER THIS SECTION, THE DEPARTMENT SHALL HOLD
32 A HEARING ON THE MATTER IN ACCORDANCE WITH THE ADMINISTRATIVE

1 **PROCEDURE ACT UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
2 **ARTICLE.**

3 **(2) AFTER A HEARING IS CONDUCTED UNDER PARAGRAPH (1) OF**
4 **THIS SUBSECTION, IF THE PRESIDING OFFICER FINDS OR CONCLUDES THAT THE**
5 **PERSON KNOWINGLY HAS COMMITTED AN OFFENSE LISTED UNDER SUBSECTION**
6 **(A)(2) OF THIS SECTION, THE DEPARTMENT SHALL REVOKE THE PERSON'S**
7 **AUTHORIZATION TO CATCH STRIPED BASS OR CRABS.**

8 **(C) A PERSON WHO IS AGGRIEVED BY THE FINAL DECISION OF THE**
9 **DEPARTMENT MAY OBTAIN JUDICIAL REVIEW OF THE DECISION IN**
10 **ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT UNDER TITLE 10,**
11 **SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

12 **(D) A PERSON WHOSE AUTHORIZATION HAS BEEN REVOKED IN**
13 **ACCORDANCE WITH THIS SECTION MAY NOT ENGAGE OR WORK IN THE FISHERY**
14 **FOR WHICH THE AUTHORIZATION WAS REVOKED WHETHER OR NOT IT**
15 **REQUIRES THE USE OF ANOTHER AUTHORIZATION.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 1,
17 2012, the Department of Natural Resources shall adopt regulations to:

18 (a) establish grounds for revocation of authorizations to catch striped bass
19 and crabs under § 4-701 of the Natural Resources Article; and

20 (b) implement the provisions of Section 1 of this Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.